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Introduction

1. The Czech Republic was established on 1 January 1993 after the division of the Czech and Slovak Federal Republic into two independent and sovereign States. On 19 January 1993, the Czech Republic became a member of the United Nations and succeeded to all human rights instruments binding on the former Czechoslovak State.

2. On 30 September 1990 the former Czech and Slovak Federal Republic signed the Convention on the Rights of the Child (hereafter "the Convention") with the following declaration:

> "In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on the one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent's names to the child is not in contradiction with this provision."

3. The Convention entered into force in respect of the Czech Republic in accordance with its article 49, paragraph 2, on 2 February 1991. The Convention was promulgated in the Collection of Laws under No. 104/1991 Coll.

4. By virtue of the Constitutional Law No. 4/1993 Coll. on measures associated with the dissolution of the Czech and Slovak Federal Republic, the Czech Republic assumed all the obligations arising from international law in respect of the Czech and Slovak Federal Republic on the day of its dissolution, except for the obligations of the Czech and Slovak Federal Republic associated with the territory to which the sovereignty of the Czech and Slovak Federal Republic extended but to which the sovereignty of the Czech Republic does not extend. The law took effect on 31 December 1992, i.e. the Czech Republic has been bound by the Convention since 1 January 1993.

5. On 16 February 1993, the Czech Republic as a successor State to the Czech and Slovak Federal Republic notified the Secretary-General of the United Nations about its intention to be bound by the international multilateral treaties to which the Czech and Slovak Federal Republic was a party on the day of its dissolution. The declaration applied also to the obligations arising from the Convention in respect of the Czech Republic. On 7 July 1993, the notification regarding the succession of the Czech Republic to the Convention was published by the Secretary-General of the United Nations with effect from 1 January 1993.

I. LAND AND PEOPLE

6. The Czech Republic was established on 1 January 1993 after the division of the Czech and Slovak Federal Republic into the Czech Republic and the Slovak Republic.

7. The area of the Czech Republic is 78,864 sq km. The territory of the State is divided into 7 regions, 89 districts and 6,196 municipalities. The territory of the capital city of Prague forms an independent administrative unit.

8. Statistical data valid on 31 December 1992 show that the Czech Republic had a population of 10,325,697, including:

males	single:	2 081 308	females	single:	1 724 468
	married:	2 544 573		married:	2 548 988
	divorced:	241 316		divorced:	330 183
	widowed:	126 989		widowed:	695 114
i.e.	total	4 999 935	i.e.	total:	5 302 280

9. The density of population in the Czech Republic in 1992 was 131 inhabitants per sq km.

10. Statistical data valid on 31 December 1994 show that the Czech Republic had 1,948,024 inhabitants under the age of 14 years, including 998,161 males and 949,863 females, and 1,356,232 inhabitants over the age of 65 years, including 513,551 males and 842,681 females.

11. Births totalled 106,915 in 1994, including 106,579 live births and 336 stillbirths.

12. Abortions totalled 66,100 in 1994, including 53,674 induced abortions, 10,958 spontaneous abortions and 8 other abortions.

13. Deaths totalled 117,373 in 1994, including 58,609 males and 58,764 females.

14. Life expectancy in 1994 was 69.5 years for males and 76.6 years for females. In the same year, the number of live births per 1,000 inhabitants was 10.3 and the number of deaths per 1,000 inhabitants was 11.4. The natural population increase per 1,000 inhabitants was -1.04. The number of marriages per 1,000 inhabitants was 5.65, the number of divorces per 100 marriages was 52.9. Infant mortality (deaths under 1 year of age per 1,000 live births) was 7.9 and neonatal mortality (deaths under 28 days of age per 1,000 live births) was 4.7.

15. According to the 1991 census, the structure of population as regards nationality was determined as follows:

nationality	Czech:	8 363 768	inhabitants	(81.2 per cent)
	Moravian:	1 362 313		(13.2 per cent)
	Slovak:	314 877		(3.1 per cent)
	Polish:	59 383		(0.6 per cent)
	German:	48 556		(0.5 per cent)
	Silesian:	44 446		(0.4 per cent)
	Romany:	32 903		(0.3 per cent)
	Hungarian:	19 932		(0.2 per cent)

and others.

16. According to the 1991 census, the structure of population of the Czech Republic as regards mother languages was determined as follows:

language	Czech:	9 871 180	inhabitants	(95.8 per cent)
	Slovak:	239 355		(2.3 per cent)
	Polish:	52 362		(0.5 per cent)
	German:	40 907		(0.4 per cent)
	Romany:	24 294		(0.3 per cent)
	Hungarian:	20 260		(0.2 per cent)

and others.

17. According to the 1991 census, the structure of population of the Czech Republic as regards religious groups was determined as follows:

undenominational:	4 112 864	inhabitants	(40 per cent)
Roman Catholic:	4 021 385		(39 per cent)
Protestant:	203 996		(2 per cent)

and others.

18. The Czech Republic has entered the sixth year of transformation of its centrally planned economy to market economy.

19. The economically active population of the Czech Republic totalled 5,421,102 in 1991, including 2,838,657 males and 2,582,445 females (i.e. 47.6 per cent of total population).

20. The unemployment rate in 1994 oscillated around 3 per cent; the inflation rate was 9.6 per cent.

21. Gross domestic product in 1993 was CZK 923.1 billion, gross domestic product per capita was CZK 89,352.

II. GENERAL POLITICAL STRUCTURE

22. The Constitution of the Czech Republic (hereafter "the Constitution") was adopted on 16 December 1992 and promulgated as Law No. 1/1993 Coll., Constitution of the Czech Republic. Pursuant to the Constitution, the Czech Republic is a sovereign, unified and democratic law-observing State based on the respect for the rights and freedoms of the individual and citizen. Every citizen may do whatever is not forbidden by law, no one may be forced to do what the law does not enjoin.

23. Part of the Constitutional Order of the Czech Republic is the Charter of Fundamental Rights and Freedoms (hereafter "the Charter"), promulgated as Law No. 2/1993 Coll. The fundamental rights and freedoms enjoy the protection of the judiciary. Ratified and promulgated international accords on human rights and fundamental freedoms to which the Czech Republic has committed itself are immediately binding and are superior to law.

24. Legislative power in the Czech Republic is vested in the Parliament. The Parliament is composed of two chambers, the Chamber of Deputies and the Senate. The Chamber of Deputies has 200 deputies elected for a term of four years. Senators have so far not been elected. Elections to the Chamber of Deputies are held on the basis of universal, equal and direct suffrage by secret ballot, according to the principles of proportional representation. Every citizen of the Czech Republic who has reached the age of 18 years has the right to vote. Every citizen of the Czech Republic who has the right to vote and has reached the age of 21 years may be elected to the Chamber of Deputies.

25. Draft laws are submitted to the Chamber of Deputies. A draft law approved by the Chamber of Deputies is forwarded to the Senate. The Government has the right to comment on all draft laws. Adopted laws are signed by the Chairman of the Chamber of Deputies, the President of the Republic and the Prime Minister. A law takes effect upon its promulgation.

26. The head of State is the President of the Republic, elected by the Parliament at a joint session of both chambers. The term of office of the President of the Republic is five years and no one can be elected for more than two consecutive terms of office. Any citizen who has the right to vote and has reached the age of 40 years may be elected as the President of the Republic. The President of the Republic has the right to attend the sessions of both chambers of the Parliament and the meetings of the Government.

27. The supreme organ of executive power is the Government, composed of the Prime Minister, Deputy Prime Ministers and Ministers. The Government is accountable to the Chamber of Deputies. The President of the Republic appoints the Prime Minister and, on his suggestion, appoints other members of the Government. A member of the Government must not pursue activities whose nature is incompatible with the exercise of his office. The Government is entitled to submit to the Chamber of Deputies a request for a vote of confidence. The Prime Minister offers his resignation to the President of the Republic, other members of the Government offer their resignations to the President of the Republic through the Prime Minister. The Government makes decisions as a body. The adoption of a resolution of the Government requires the consent of an absolute majority of all its members. For the implementation of a law and within its limits, the Government has the right to issue decrees. Ministries and other administrative organs as well as the organs of territorial self-administration may issue legal regulations on the basis of and within the limits of law, if authorized so by law.

28. The Public Prosecutor's Office represents public prosecution in criminal proceedings and fulfils other tasks as well, if determined by law.

29. The judicial power is exercised by independent courts on behalf of the State. Judges are independent in the execution of their office. The office of a judge is incompatible with the office of the President of the Republic, member of Parliament or any other office in public administration. Other activities incompatible with the office of a judge are determined by law.

30. The Constitution and a special law stipulate that the judicial organ in charge of the protection of constitutionality is the Constitutional Court, composed of 15 judges appointed by the President of the Republic for a term of 15 years. The Constitutional Court decides, inter alia, on the repeal of laws or their individual provisions in case they are inconsistent with the constitutional law or with an international agreement under article 10 of the Constitution, on constitutional complaints against valid decisions and other interference by public authorities regarding the fundamental rights and freedoms guaranteed by the Constitution. The law determines by whom and under what conditions a complaint may be lodged as well as other rules of proceedings before the Constitutional Court. In decision-making, judges of the Constitutional Court are bound only by constitutional laws and international agreements under article 10 of the Constitution and by the Law on the establishment of the Constitutional Court and on proceedings before the Constitutional Court. The enforceable judgements of the Constitutional Court are binding on all organs and persons.

31. The task of courts is above all to protect rights in the manner determined by law. Only a court may decide on the guilt and penalty for criminal offences. The judiciary consists of the Supreme Court, the Supreme Administrative Court, high, regional and district courts. Their jurisdiction and organization is determined by law. Judges are appointed by the President of the Republic for an unlimited term. In decision-making, judges are bound by law. All parties to an action enjoy equal rights before the court. Proceedings are oral and held in open court, except for cases specified by law. Judgements are always delivered in open court.

32. The Supreme Audit Office is an independent body supervising the management of State property and the fulfilment of the State budget by individual ministries, other administrative authorities and State organs as well as by natural and legal persons. The President and Vice-President of the Supreme Audit Office are appointed by the President of the Republic on the suggestion of the Chamber of Deputies. The status, jurisdiction, organizational structure and other particulars concerning the Supreme Audit Office are determined by law.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

33. Upon its establishment as an independent State, the Czech Republic adopted pursuant to article 3 of the Constitution the Charter as part of its constitutional order based on the constitutional law of the former Federal Assembly of the Czech and Slovak Federal Republic. The Charter incorporated in domestic legislation most of the civil and political rights mentioned in the International Covenant on Civil and Political Rights. Promulgation of the Charter to be a part of the constitutional order of the Czech Republic ensured the incorporation of the corresponding provisions of the Pact in Czech legislation. Moreover, under the Constitutional Law No. 4/1993 Coll. on measures associated with the dissolution of the Czech and Slovak Federal Republic the Czech Republic assumed all the obligations arising from international law in respect of the Czech and Slovak Federal Republic on the day of its dissolution (except for the obligations of the Czech and Slovak Federal Republic associated with the territory to which the sovereignty of the Czech Republic does not extend). This measure ensured continued observance of

all obligations in the sphere of civil and political rights binding on the former Czech and Slovak Federal Republic and on the Czech Republic, including those exceeding the framework of obligations under the Charter. Consequently, all the necessary measures have been adopted in respect of the basic laws and regulations of the Czech Republic in order to ensure continued safeguarding of the rights recognized in the Pact after the dissolution of the Czech and Slovak Federal Republic.

34. In 1993, the Chamber of Deputies of the Parliament of the Czech Republic adopted Law No. 182/1993 Coll. on the Constitutional Court. The Law, combined with the provisions on the status and jurisdiction of the Constitutional Court contained in the Constitution, considerably strengthened the domestic safeguarding of rights and freedoms pursuant to article 2 of the Pact.

35. The protection of civil and political rights is ensured above all by the institute of constitutional complaint which may be lodged with the Constitutional Court by:

(a) A natural or legal person against the valid decision or other interference by a public authority in case he/she is convinced that his/her fundamental right or freedom safeguarded by constitutional law or by an international agreement on human rights and fundamental freedoms binding on the Czech Republic has been violated;

(b) An organ of territorial self-government against unlawful interference by the State;

(c) A political party against the decision on its dissolution or against other unconstitutional or unlawful decision concerning its activities.

36. The constitutional complaint may be accompanied by a petition for the repeal of a legal regulation or its individual provision, in case the object of the constitutional complaint resulted from the application of such regulation and in case the complainant maintains that the regulation is inconsistent with the rights and freedoms under the Constitution and international instruments.

37. The Constitution, moreover, authorizes the Constitutional Court to repeal a legal regulation the application of which has violated a fundamental right or freedom, in case such violation has been ascertained by an international organ authorized to decide on complaints regarding the violation of human rights and fundamental freedoms in the Czech Republic (i.e. also the Human Rights Committee).

38. The proceedings before the Constitutional Court are regulated by law in accordance with the generally recognized democratic principles of judicial proceedings: public proceedings, independence and impartiality of judges, equality of all parties, the right to use mother language.

39. A provision of crucial importance in respect of the safeguarding of civil and political rights in the sphere of public administration is the new regulation on administrative judiciary, contained in the amendment to the Code of Civil Procedure. The regulation enables the courts to make extensive

inquiries into the legality of decisions adopted by the organs of State administration, territorial self-administration and other public authorities authorized to decide on the rights and duties of natural and legal persons. Pursuant to the regulation, the court may review valid decisions adopted by such organ on the basis of a complaint in case the complainant maintains that the administrative decision has infringed upon his/her rights; in cases explicitly specified by law, the court may moreover carry out a judicial review of a hitherto unenforced administrative decision.

40. A number of other amendments to the basic material and procedural civil law regulations have been made with a view to restoring the internationally recognized principles of the protection of individuals and their rights and freedoms.

IV. INFORMATION AND PUBLICITY

41. All constitutional laws, laws and generally binding legal provisions in force in the territory of the Czech Republic are published in the Collection of Laws. Legal standards concerning human rights and fundamental freedoms are contained in the Constitution and Charter as well as in the material and procedural regulations of civil, criminal and administrative law. Annotated texts of such basic provisions with references to the judicature are published for the use of lawyers and the general public. Human rights and fundamental freedoms are frequently discussed in specialized periodicals such as Právník (The Lawyer).

42. The Czech Republic, as a member State of the Council of Europe and signatory to the European Convention on Human Rights, has established the Information and Documentation Centre of the Council of Europe which possesses documents of the organization related to human rights and freedoms. The most important documents have been translated into the Czech language for the use of the general public. The Centre, moreover, receives from the Council of Europe resolutions of the European Commission of Human Rights and of the European Court on Human Rights.

43. Information materials of the United Nations are available in the United Nations Information Centre which provides leaflets, brochures and publications concerning the activities of the United Nations, texts of the most important conventions adopted within the framework of the United Nations, reports of special rapporteurs, studies, etc.